

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KOHEN DIALLO E. UHURU,  
Plaintiff,  
v.  
DANIEL E. CUEVAS, et al.,  
Defendants.

No. 2:23-cv-1380 TLN DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. §1983. On September 25, 2023, Judge Nunley denied plaintiff's motion to proceed in forma pauperis because plaintiff had accrued three strikes under 28 U.S.C. §1915(g) prior to filing this action. (ECF No. 10.) Plaintiff was ordered to pay the filing fee within thirty days if he wished to proceed. Plaintiff requested, and was granted, two significant extensions of time to pay the filing fee. (ECF Nos. 14, 16.) The fee was due on May 22, 2024. Plaintiff has not paid the fee.

Accordingly, IT IS HEREBY RECOMMENDED that this case be dismissed without prejudice for plaintiff's failure to pay the filing fee.

These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings

1 and Recommendations.” Plaintiff is advised that failure to file objections within the specified  
2 time may result in waiver of the right to appeal the district court’s order. Martinez v. Ylst, 951  
3 F.2d 1153 (9th Cir. 1991).

4 Dated: May 29, 2024

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DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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